



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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August 17, 2018

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU, et al. v. DOD, et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

I write respectfully on behalf of the parties jointly to provide the Court with a status update following the issuance of the Court's Opinion and Order dated June 27, 2018 (Dkt. No. 67). In that Opinion and Order, the Court denied the CIA's motion for summary judgment regarding its original Glomar response to the FOIA requests at issue in this case, and granted Plaintiffs' motion for summary judgment only as to FOIA request two. *Id.* at 23. The Court instructed the CIA "to submit any new Glomar response with respect to" the other FOIA requests (one, three, four, and five) within two weeks of the Opinion and Order, which the Court subsequently extended by one week (Dkt. No. 71). In accordance with the Court's instruction, on July 18, 2018, the CIA notified Plaintiffs that the CIA would conduct searches for responsive records consistent with the acknowledgment made by then-Press Secretary Sean Spicer in his February 2, 2017 press briefing, namely responsive records related to the two Deputies Committee meetings and the White House dinner meeting that were mentioned during that briefing. However, the CIA otherwise maintained its Glomar response to the requests. The CIA also confirmed that it was conducting searches for records responsive to FOIA request 2, if any exist, in accordance with the Court's June 27 Opinion and Order.

Plaintiffs notified the CIA that they did not intend to challenge the CIA's Glomar response to requests one, three, four, and five, as set forth in the agency's July 18, 2018 correspondence. The CIA has completed its searches but requires additional time to assess the number of potentially responsive documents and possible processing time, also taking into account upcoming absences from the office of agency counsel and personnel. The parties have agreed and jointly propose to provide a further status report to the Court in 45 days with respect to the status of these issues and whether any matters require resolution by the Court.

We thank the Court for its consideration of this matter.

Respectfully submitted,

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cc: Counsel of record (by ECF)